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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
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12 IRMA SANCHEZ, JORGE SANCHEZ,
13 and SOPHIA SANCHEZ,

14 Plaintiffs,

15 v.

16 CLIENT SERVICES, INC. and KARLA
DAVIS,

17 Defendants.

Case No.: C 06-06280 PVT

**ORDER RE: DATE FOR DEPOSITION OF
NON-PARTY DON BAILEY**

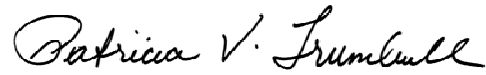
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19 Plaintiffs Irma Sanchez, Jorge Sanchez and Sophia Sanchez and defendants Client Services,
20 Inc. ("Client Services") and Karla Davis have been unable to agree on a date to schedule the
21 deposition of non-party Don Bailey. On September 18, 2007, the parties appeared for hearing and
22 the court urged the parties to further meet and confer.¹ In the event the parties could not agree on a
23 date within 24 hours of the hearing, the court would select a date for the deposition of non-party Don
24 Bailey. On September 19, 2007, the parties notified the court that they had not agreed on a date for
25 the deposition of non-party Don Bailey. The discovery cut-off is September 28, 2007. Accordingly,
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27 ¹ Pursuant to the September 6, 2007 Order, the parties appeared for further rulings on
28 various discovery requests related, *inter alia*, to the production of personnel records. As defendants
have apparently complied with the discovery request, plaintiffs withdrew the motion to compel for this
discovery at the hearing.

1 non-party Don Bailey will be deposed on September 28, 2007.²

2 IT IS SO ORDERED

3 Dated: *September 20, 2007*

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5 PATRICIA V. TRUMBULL
6 United States Magistrate Judge
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25 ² The holding of this court is limited to the facts and particular circumstances underlying
26 the present motion.

27 The court notes that to the extent Mr. Bailey may be a resident of St. Louis, Missouri, an
28 application for order to compel discovery from a person who is not a party must be made in the district
where the discovery is being, or is to be, taken. *See*, Fed. R. Civ. P. 37(a)(1). Additionally, motions
to enforce deposition subpoenas are brought in the court which issued the subpoena. *See*, Fed. R. Civ.
P. 45(c)(2)(B).

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